

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Lands – Govt. Lands – Withdrawal of “Gramakantam” lands from the purview of Section 22-A of Registration Act, 1908 – Orders – Issued.

REVENUE (ASSN.I) DEPARTMENT

G.O.Ms.No.187

Dated: 27-05-2015.
Read the following:-

1. G.O.Ms.No.863, Revenue (Reg.I) Dept., dt.20-06-2007.
2. Circular Memo No.G1/19131/05 Dt.14-09-2007 of the Commr. & I.G. of Registration and Stamps, A.P., Hyderabad.
3. G.O.Ms.No.100, Revenue (Assn.I) Dept., dt.22.02.2014.
4. From the Chief Commissioner of Land Administration, A.P., letter No.Assn.I(1)/733/2012, dated: 24.01.2015.
5. G.O.Ms.No.56, Revenue (Assn.I) Dept., dt.16.02.2015.
6. From the Chief Commissioner of Land Administration, A.P., letter No.Assn.I(1)/733/2012, dated: 29.04.2015.

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O R D E R:

Government vide G.O. 1st read above, issued notification that the Registration (A.P. Amendment) Act, 2007 shall come in to force with effect from 20-06-2007. The amendment related to Sec.22-A of the Registration Act, 1908 (here-in-after called ‘the Registration Act’). In pursuance to the amendment, the Commissioner & I.G. of Registration and Stamps, vide reference 2nd read above, issued certain guidelines, inter alia, requiring the District Collectors to furnish lists of properties prohibited for Registration to Registering Officers. Accordingly, the District Collectors have furnished the lists to the Registering Officers which included the Survey nos. pertaining to “Gramakantam” lands along with Sy. Nos. of other Government lands. When general public approached Registering Officers for registration of private properties in “Gramakantam” lands, the Registering Officers started asking for ‘NOC’ from Revenue Authorities.

2. In the G.O. 3rd read above, certain guidelines were issued for issue of ‘NOCs’ for registration of “Gramakantam” lands. The Chief Commissioner of Land Administration, A.P., in letter 4th read above, has submitted proposals for cancellation of the said G.O. as general public were facing hardship in the sale transactions of lands under their possession and enjoyment in “Gramakantam” lands resulting in a number of court litigations. After careful examination, Government have cancelled the G.O.3rd read above vide G.O. 5th read above.

3. It has been brought to the notice of the Government that even after cancellation of the orders in the G.O. 3rd read above, the problems in registration of “Gramakantam” Lands have not solved as these lands were included in the prohibitory lists furnished by the District Collectors to the Registering Officers under Section 22-A of the Registration Act.

4. The Chief Commissioner of Land Administration in his letter 6th read above has requested the Government to take a decision for withdrawal of “Gramakantam” lands from the purview of Section 22-A of the Registration Act, 1908.

5. Government examined the matter in detail and found that the “Gramakantam” connotes the use of land where houses can be constructed, in contrast to other uses such as agriculture, grazing etc. The Hon’ble High Court in its order dated.09-07-2012 in W.P.No.553 of

(P.T.O.)

-:02:-

2012 (Nagarala Nirvasithula Welfare Association vs. the Government of A.P.) held that,

"On behalf of the respondents, reliance is placed upon judgment of this Court in Banne Gandhi and others vs. District Collector, R.R. district (2007-4) ALD 374 which arose under the A.P. Panchayat Raj Act, 1994. Section 58(1) thereof directs that all porambokes viz., grazing grounds, threshing floors, burning and burial grounds, cattle stands, carts tanks etc. vest in the Gram Panchayat. Sub-section (2) thereof directs that the Government may, at any time, by notification in the A.P. Gazettee, direct that any porambokes referred to in sub-section (1) shall cease to vest in the Gram Panchayat.

The Government initiated steps to issue house site pattas over the land which formed part of Gramakantam. The same was challenged stating that Gramakantam vests in the Gram Panchayat and that the Government cannot grant house site pattas in it. A learned Single Judge of this Court held that there is no mention of Gramakantam in sub-section(1) and thereby, the question of such lands vesting in the Government does not arise."

6. Government after careful examination of the matter have decided that as "Gramakantam" lands vest in Gram Panchayats, there is a need to withdraw these lands from the purview of Section 22-A of the Registration Act to remove hardship of general public. Therefore, Government hereby order that the District Collectors shall withdraw the "Gramakantam" lands from the lists of properties prohibited from registration furnished to the Registering Officers under section 22-A of the Registration Act. It shall be the responsibility of the Gram Panchayats to take appropriate action in respect of "Gramakantam" lands including protection of the extents of lands meant for community purpose.

7. The Chief Commissioner of Land Administration, A.P., the District Collectors and Panchayat Raj Department shall take necessary action accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

J.C.SHARMA,
PRINCIPAL SECRETARY TO GOVERNMENT.

To

The Chief Commissioner of Land Administration, A.P., Hyderabad.

All the District Collectors.

The Panchayat Raj & R.D. Department.

The Director & I.G. (Stamps & Registration), A.P., Hyderabad.

The Directorate of Survey, Settlement & Land Records, A.P., Hyderabad.

The Commissioner of Panchayatraj, A.P., Hyderabad.

Copy to:

PS to Secretary to Hon'ble C.M.

PS to Hon'ble Dy.C.M.(Revenue)

PS to Chief Secreary.

PS to Principal Secretary (Revenue).

All Assignment Sections.

Sf/Sc.

//Forwarded :: By Order//

SECTION OFFICER.